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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ROBERT PHILPOTT AND PATRICIA
12 ANN MURRY,
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14 vs. Plaintiffs,
15 CHARLETTE SNEED, ET AL.,
16 Defendant.

CASE NO. 07cv1139 BTM(LSP)

**ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS;
ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE
REMANDED**

17 On June 22, 2007, Defendant Charlette Sneed removed this action from the Superior
18 Court of California pursuant to 28 U.S.C. §§ 1441 and 1446. Defendant also filed a motion
19 to proceed in forma pauperis ("IFP").

20 The Court has considered Defendant's declaration in support of her motion to proceed
21 IFP, and finds that she has made a sufficient showing of inability to pay the filing fee.
22 Accordingly, Defendant's IFP Motion is **GRANTED**.

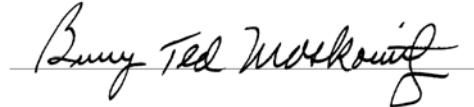
23 Defendant contends that the Court has diversity jurisdiction over the action under 28
24 U.S.C. § 1332(a). However, it is unclear whether the action is between citizens of different
25 states. There is a "strong presumption" against removal jurisdiction, and the defendant
26 always has the burden of establishing that removal is proper. Gaus v. Miles, Inc., 980 F.2d
27 564, 566 (9th Cir. 1992).

28 Accordingly, Defendant is **ORDERED** to show cause why this case should not be

1 remanded to state court. The parties may file papers in response to this OSC on or before
2 July 23, 2007. The matter will be set for hearing on **July 27, 2007 at 11:00 a.m.** Unless
3 otherwise directed by the Court, there shall be no oral argument and no personal
4 appearances are required.

5 **IT IS SO ORDERED.**

6 DATED: July 2, 2007

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8 Hon. Barry Ted Moskowitz
9 United States District Judge
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